

TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING
CHAPTER 10. LICENSURE OF COSMETOLOGISTS, BARBERS, SCHOOLS AND
RELATED ESTABLISHMENTS

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

175:10-1-3. Disqualifying criminal history and opportunity for initial determination

[AMENDED]

Subchapter 3. Licensure of Schools

Part 3. Student Registration and Entrance Requirements

175:10-3-16. Student entrance requirements [AMENDED]

Part 5. Equipment and Curriculum Requirements

175:10-3-30. Required library copies of cosmetology law/rules [AMENDED]

175:10-3-47. Eyelash Extension Specialist course entrance and curriculum requirements

[NEW]

Part 7. General Operations and Licensing Requirements

Subchapter 7. Sanitation, Disinfection and Safety Standards for Establishments and
Schools

175:10-7-1. Cosmetology and Barber Establishment separate from residence or other
business [AMENDED]

175:10-7-29. ~~Facial procedures, devices and equipment~~ Scope of practice for
Cosmetologists and Facialists/Estheticians [AMENDED]

175:10-7-33. ~~Make-up/Eyelash Extensions and strip eyelashes~~ [AMENDED]

175:10-7-33.1. Eyelash extension services [NEW]

Subchapter 9. Licensure of Cosmetologists, Barbers and Related Occupations

Part 5. Demonstrators; Cosmetic Studios; Trade Shows; Guest Artists; Wig Dressing;
Other Practices of Cosmetology and Barbering

175:10-9-54. Cosmetology and barber-related high fashion photography or similar
Establishment requirements [REVOKED]

175:10-9-55. Practices of cosmetology and barbering [AMENDED]

Subchapter 11. License Renewal, Fees and Penalties

175:10-11-2. Cosmetology and Barber license and penalty fees [AMENDED]

Subchapter 13. Reciprocal and Crossover Licensing

175:10-13-1. Reciprocal license requirements [AMENDED]

SUMMARY:

The proposed rule changes, if approved, will transform emergency rules into permanent rules, regarding individuals who have pleaded guilty, nolo contendere, or have been convicted of a crime, or who have a criminal charge currently pending that is substantially related to the practice of occupations regulated by the Cosmetology and Barbering Act and poses a reasonable threat to public safety, health or welfare. *See* OAC 175:10-1-3. The changes are needed to make the rule language consistent with statutory changes to 59 O.S., § 4000.1, that became effective on November 1, 2022. The proposed rule changes do add a \$95 fee for applicants to obtain an initial determination; however, the fee is specifically authorized by law (59 O.S., § 4000.1(J)), and the Board will waive the fee once for low-income individuals.

The proposed rule changes also: 1) allow schools to use electronic versions of the rule book (OAC 175:10-3-30); 2) distinguish between services provided in a licensee's residence and those provided in a patron's residence, consistent with newly-enacted 59 O.S., § 199.18 (OAC 175:10-7-1); 3) define with particularity what kinds of services "puncture the skin," and therefore are outside the scope of practice of Cosmetologists and Facialists/Estheticians (OAC 175:10-7-29); and 4) revoke OAC 175:10-9-54, consistent with the newly-enacted exemption from licensing for services that are incidental to theatrical, radio, television or motion picture productions, modeling or photography, in 59 O.S., § 199.6(E)(5).

Finally, several of the amended rules and the new rule establish a new limited specialty license for Eyelash Extension Specialists, consistent with the Board's authority in 59 O.S., § 199.3(B)(5). *See* OAC 175:10-3-16; 175:10-3-47; 175:10-7-33; 175:10-7-33.1; 175:10-9-55; 175:10-11-2; and 175:10-13-1. Eyelash Extension Specialists will be required to undergo only three hundred and twenty (320) hours of training, as opposed to the one thousand five hundred (1,500) currently required of Cosmetologists or the six hundred (600) currently required of Estheticians/Facialists; currently, per OAC 175:10-9-55, only licensed Cosmetologists or Facialists/Estheticians may perform eyelash extensions. The amended rules and new rule establish curriculum and examination requirements; sanitation, disinfection and safety requirements; set a licensure fee; and allow the Board to grant reciprocity for licensed specialists from other states. This less restrictive licensing program is needed to help settle litigation that was recently instituted against the State of Oklahoma, in *Davis v. State Board of Cosmetology and Barbering*, CV-2022-1729 (Okla. Cty. Dist. Ct. Sept. 7, 2022).

AUTHORITY:

Oklahoma State Board of Cosmetology and Barbering; 59 O.S. §§ 199.3 and 199.6

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 5, 2023, at the following address: 2401 NW 23rd Street Suite 84, Oklahoma City, OK 73107, or John.Funderburk@cosmo.ok.gov

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on March 9, 2023, at the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street Suite 84, Oklahoma City, OK 73107. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information by 5:00 p.m. on March 5, 2023, at the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street Suite 84, Oklahoma City, OK 73107, Attn: John Funderburk, or by email to John.Funderburk@cosmo.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.cosmo.ok.gov and copies may be obtained from the Oklahoma State Board of Cosmetology and Barbering, located at 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107. Copies may also be obtained by written request mailed to the attention of John Funderburk, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107, or emailed to John.Funderburk@cosmo.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Cosmetology and Barbering at the above address beginning February 1, 2023.

CONTACT PERSON:

John Funderburk, Principal Assistant, Oklahoma State Board of Cosmetology and Barbering, (405) 522-7616, John.Funderburk@cosmo.ok.gov.